

**Conflicts Coordinator Report to the Montana Public Defender Commission
January 26, 2007**

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EXHIBIT 11

1. Financial Report:

A. December 2006 – Administration of November claims

Planning, organization hours	13.05
Travel, meetings out of town hours	10.2
Staff assignable work hours	2.35
Admin-claims, approvals, troubleshooting hours	29.0
CC hours billed	54.6
@ \$60.00	\$ 3,276.00
Mileage	0.0
Overhead stipend	\$ 100.00
Total for December	\$ 3,376.00

B. January 2007 – Transition expenses

I expect to claim about \$1,100 for time spent and postage incurred for the transition.

2. Conflict case administration. The time spent on case administration in December was greater than I expected. This was due mostly to tracking and resolving problems with attorney claims.

3. Transition to conflict case administration by the Contracts Manager and Training Coordinator.

A. **Delivery of paper files to Contracts Manager.** On Tuesday, January 2, 2007 I delivered the paper original claims that I received from July through December 2006 to Larry Murphy, Contracts Manager. I processed and forwarded claims received through December 28 according to the procedure established in July. Claims received after December 28 were either hand delivered to Larry on January 2nd or mailed to him in Butte. Claims for conflicts cases are now to be submitted to Larry for review and approval.

B. Delivery of pending preapproval for case costs to Training

Coordinator. There was a delay in the transition concerning preapproval requests. It was not clear to me if the preapprovals were to be submitted to the Contracts Manager or the Training Coordinator. Once I had guidance from the OPD on how preapprovals were to be handled I delivered the pending preapproval requests to Eric Olson, the Training Coordinator in Missoula. This occurred on about January 8th. Preapproval requests received after I delivered the pending requests to the Training Coordinator were returned to the requesting conflict case attorney with instructions to submit the request to the Training Coordinator.

C. Notice of the change in conflicts case claim and preapproval

procedures. I prepared a proposed notice of the change in conflicts case claim and preapproval procedures with information about the appeal procedure for review by the Contracts Manager and Appellate Defender. After review, I emailed the notice to the Regional Deputy Public Defenders and to all the contract attorneys in my database. I mailed a hard copy notice to the contract attorneys without an email address in my database. Where email was returned as undeliverable, I mailed a hard copy. This process occurred from January 9 through about January 11. A copy of the mailed notice appears at the end of this report.

D. Revised forms. I prepared revised forms or information to reflect the change in conflict case administration and forwarded those forms to the Contracts Manager. These were:

- Contracted Attorney Claim Form
- Miscellaneous Claim for Services Form
- Appointment of Regional Public Defender (Form 1)
- Vendor Instructions (Ten Steps to Get Paid)
- Regional Contact Information

4. Contract attorney hourly billing standards. I worked with Larry Murphy and Mike Sherwood on a draft of hourly billing standards. The press of the legislative session has sidetracked our discussion. Larry and Mike have the draft to complete. I think the goals for hourly billing practice standards should be:

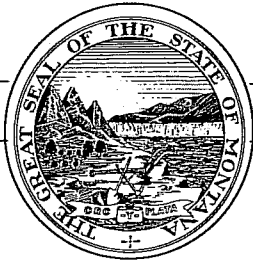
- To state preferred billing practices
- To identify prohibited billing practices
- To simplify claims administration, such as encouraging the use of time and billing software
- To provide different hourly compensation to contract attorneys based upon the level of office support the attorney provides – one way of implementing the legislative mandate for a competitive contracting process under the PD Act

- To standardize reimbursement for out-of-pocket expenses
- To provide a context for contracted attorney performance review

5. **Thank you.** Thank you for the opportunity to work with the Public Defender Commission and the Office of the State Public Defender. I enjoyed renewing old acquaintances and making new friends.

Kerry Newcomer

PUBLIC DEFENDER COMMISSION



BRIAN SCHWEITZER

KERRY NEWCOMER
CONFLICTS COORDINATOR

STATE OF MONTANA

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January 9, 2007

OPD Contract Attorneys and Service Providers:

Greetings for the New Year!

The purpose of this letter is to inform you of changes in the way conflicts case claims and preapproval of conflicts case expenses are administered and to provide an update of the appellate procedure for contract attorneys representing OPD clients. These changes are effective immediately.

1. Conflicts case **claims**. Conflicts cases will continue to be assigned by the Regional Deputy Public Defenders, but **claims for conflicts cases will now be sent to Lawrence Murphy, the OPD Contract Manager in Butte**. Mr. Murphy's assistant is Lynn McMillan. Mr. Murphy's contact information is:

Lawrence Murphy
Contract Manager
Office of the State Public Defender
44 West Park Street
Butte, MT 59701
Telephone: 406.496.6088
Fax: 406.496.6098
Email: lamurphy@mt.gov

Claims sent to Kerry Newcomer, Conflicts Coordinator, will be forwarded to Mr. Murphy's office daily during the transition.

2. Conflicts case **preapprovals**. **Preapproval for costs requests for conflicts cases will now be sent to Eric Olson, the OPD Training Officer in Missoula**. Mr. Olson's contact information is :

Eric Olson
Training Officer
Office of the State Public Defender
610 Woody Street
Missoula, MT 59802
Telephone: 406.523.5170
Fax: 406.523.5141
Email: eolson@mt.gov

Preapproval requests sent to Kerry Newcomer will be returned with directions to route the preapproval request to Eric Olson during the transition.

Reason for these changes: The Conflicts Coordinator position with the Public Defender Commission was a temporary position. On December 6, 2006, the Public Defender Commission decided to move the oversight functions for conflicts cases to the Contract Manager and the Training Officer and eliminate the Conflicts Coordinator position.

3. Non conflicts case claims and preapprovals. Claims and preapproval requests continue to be submitted to the Regional Deputy Public Defender office that assigned the case.
4. Appeal costs and claims. If you file a notice of appeal for an OPD client, **contact the Office of the Appellate Defender before you order a transcript.** Cases on appeal are assigned a different OPD case number and the fees and costs claims are administered by the Appellate Defender. Sarah Braden, paralegal, is the office administrator for the Appellate Defender. The Office of the Appellate Defender contact information is:

Jim Wheelis, Chief Appellate Defender
Sarah Braden, Paralegal (sbraden@mt.gov)
Office of the Appellate Defender
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145
Phone: 841-2001
Tollfree: 888-251-6101
Fax: 841-2003

If you have questions about the status of a claim or preapproval please call me, Larry Murphy or Eric Olson. Thank you.

Kerry Newcomer
Conflicts Coordinator